

## SCHEDULE 3

Exercise of functions by officials other than police constables

### PART 3

Application of 2016 Act to designated customs officials

#### *Supplementary*

#### **Customs custody**

**13.**—(1) For the purposes of provisions of the 2016 Act as applied by this Part of this Schedule, a person is in customs custody from the time the person is arrested by a designated customs official, or is transferred in accordance with the law into the custody of a designated customs official, until any one of the events mentioned in sub-paragraph (2) occurs.

(2) The events are—

- (a) the person is released from custody;
- (b) the person is brought before a court in accordance with section 21(2) of the 2016 Act;
- (c) the person is brought before a court in accordance with section 28(2) or (3) of the Criminal Procedure (Scotland) Act 1995;
- (d) the person is brought before a court in accordance with—
  - (i) any other enactment or rule of law which requires that a person in custody be brought before a court; or
  - (ii) a term of the warrant under which the person was arrested;
- (e) the person is transferred in accordance with the law into the custody of a person who is not a designated customs official;
- (f) the Principal Reporter directs under section 65(2)(b) of the Children’s Hearings (Scotland) Act 2011 that the person continue to be kept in a place of safety.

#### **Powers of search etc. under other enactments**

**14.** Where a person is arrested by a designated customs official under section 1 of the 2016 Act<sup>(1)</sup>, a designated customs official may exercise any power that would be exercisable by a designated customs official if the person had been arrested under another enactment that confers power on a designated customs official to arrest in relation to the same offence.

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(1) 2016 asp 1.